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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J_O_D_H_P_U_R.

Date of Order : 12.07.2000.

O.A. No. 266/1998

Sabeer Ahmed S/O Shri Abdul Hakeem, aged about 39 years,
R/O Old Loco Colony, L-45-E, Jodhpur, Official Address :
Diesel Assistant, Staff No.2724, Section Engineering,
Jodhpur.

... Applicant

vs

1. The Union of India, through the General Manager,
Northern Railway, Baroda House, New Delhi.
2. The Divisional Rail Manager, Northern Railway,
Jodhpur.
3. The Divisional Personnel Officer, Northern Railway,
Jodhpur.

... Respondents

Mr. Kuldeep Mathur, Counsel for the Applicant.
Mr. Manoj Bhandari, Counsel for the Respondents.

CORAM :

Hon'ble Mr. A.K. Misra, Judicial Member
Hon'ble Mr. Gopal Singh, Administrative Member

O_R_D_E_R

(PER HON'BLE MR. GOPAL SINGH)

In this application under Section 19 of the
Administrative Tribunals Act, 1985, the applicant has prayed
for quashing the order dated 18.5.1998, at Annexure A/1, and
for a direction to the respondents to decide the question
of seniority on the basis of length of service in Diesel
side irrespective of the fact that any employee was senior
in Steam side.

Gopal Singh

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2. Applicant's case is that he was deployed as Diesel Assistant from Steam Tracks in the year 1991. That consequent upon gradually displacement of Steam Engine Staff working with Steam locomotive were rendered surplus and they were absorbed on Diesel side in the year 1997. This surplus staff has been given seniority over the applicant taking into account their seniority/first Fireman on Steam side. The contention of the applicant is that the surplus staff deployed on Diesel side should be ~~given~~ seniority with effect from the date of their absorption.

3. Notices were issued to the respondents, and they have filed their reply.

4. We have heard the learned Counsel for the parties, and perused the records of the case carefully.

5. The controversy involved in this case had already been settled by Hon'ble the Supreme Court in Rama Kant Chaturvedi Vs. Divisional Superintendent, Northern Railway, 1980 (Supp) SCC 621. Further, following the above judgement Hon'ble the Supreme Court in V.K. Dubey & Ors. Vs. UOI & Ors (1997) 5 Supreme Court Cases 81 have held that seniority of redeployed staff could not be fixed above the staff already working. In this case the question of seniority of surplus staff of Diesel side absorbed on electrical side was considered. While in Rama Kant Chaturvedi's case, the seniority of employees of Steam side rendered surplus and consequently absorbed in Diesel side was determined. In both these cases the law laid down is that surplus staff ~~deployed in another~~ wing will get the seniority from the date they join the other wing.

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6. In the light of above discussion, and the law laid down by Hon'ble the Supreme Court we are of the view that the staff absorbed in Diesel side in the year 1997 would rank ~~en-block~~ junior to the applicant, who had joined the Diesel side in the year 1991. Thus, the application deserves to be allowed.

7. The Original Application is accordingly allowed with a direction to the respondents that the seniority of surplus staff re-deployed on the Diesel side in the year 1997, should be fixed from the date of their joining the Diesel side. Accordingly, the respondents are also directed to revise the seniority list within a period of 03 months from the date of receipt of a copy of this order. No costs.



Gopal Singh
(GOPAL SINGH)
Adm. Member

J

AKM
12/12/2000
(A.K. MISRA)
Judl. Member